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CMA No. 1405 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1405 of 2023

1. Sivakumar @ Kumar
S/o.Madhu, No.2/199, Adagapadi
Village and Post, Dharmapuri Tk and
Dist, Now res.at Paiyaur Village and
Post, Krishnagiri Tk and Dist.

Appellant(s)

Vs

1. Y. Krishnamoorthy
S/o.Yuvaraj, No.3/16, Kuliyanoor
Village, A.Gollahalli Post,
Ungaranahalli, Dharmapuri 636 704.

2.Shriram General Insurance Company
Limited
No.E-8, RIICO Industrial Area, Sita
Pura, Jaipur, Rajasthan State.

Respondent(s)



PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying, to enhance the compensation awarded by the Motor Accident Claims Tribunal, Special Sub Court (MACT), Krishnagiri in MCOP.No. 144 of 2020 dated 21.04.2021 from 29,60,960/- to 45,00,000/- and in the interest of justice.

For Appellant(s): N.Desinghu

For Respondent(s): R-1 Unclaimed
Ms.R.Sreevidhya For R2

JUDGMENT

The appellant has filed this appeal praying to enhance the compensation awarded in the judgement and decree, dated 21.04.2021 passed in MCOP.No.144 of 2020, on the file of the Motor Accident Claims Tribunal, Special Sub Court (MACT), Krishnagiri.

2. The brief facts of the case of the appellant/claimant are as follows:

On 17.10.2019, the petitioner was proceeding from Adagapadi to Mookanur to visit his mother-in-law's house on his motorcycle bearing Registration No.TN-29 BB-8092, which he was riding himself. He was riding the motorcycle slowly and carefully, observing all traffic rules. On the same day, at about 21.40 hours, while the petitioner was riding the motorcycle near



Gunchettipatti, in front of Radhakrishna's house on Dharmapuri to Morappur

Main Road, a LMV car belonging to the 1st respondent, bearing Reg. No. TN-59-

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AJ-0609, came from the opposite direction in a rash and negligent manner, endangering human life, and dashed against the petitioner. As a result, the petitioner sustained grievous injuries. He was immediately admitted to the Government Dharmapuri Medical College Hospital, where he underwent treatment. Subsequently, he was shifted to Ganga Medical Centre & Hospitals Pvt. Ltd., Coimbatore, and was treated as an inpatient from 18.10.2019 to 27.11.2019, as detailed in the discharge summary. He is still attending periodical check-ups and under going treatment. The petitioner has already spent more than Rs.20,00,000/- towards medical expenses and requires a huge amount for future medical expenses, including the purchase and maintenance of an artificial limb. Hence, the case.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.29,60,960/- as compensation, directing the 2nd respondent to pay the said amount to the



appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Heard Mr. N.Desinghu, learned counsel appearing for the appellant, and Ms.R.Sreevidhya, learned counsel appearing for the second respondent.

6. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He, therefore, prayed for enhancement of compensation.

7. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.



8. The claimant is working as a mason and earning Rs.25,000/- per month. However, the appellant has not produced any document to prove his income. Considering the cost of living in the year 2021 and partial permanent disability, this Court reasonably fixes the monthly income at Rs. 14,000/- per month, with 40% addition towards future prospects.

Calculation

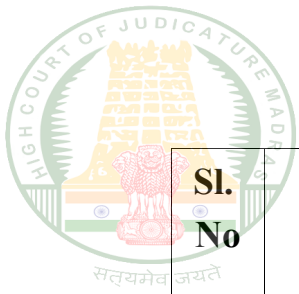
Notional Income = Rs.14,000/-

40% Future Prospects = $14,000 + 5,600 = 19,600$

Loss of earning capacity = $19,600 \times 12m \times 15 \times 70/100$
= Rs.24,69,600/-

9. This Court follows the multiplier method. Therefore, the award passed by the Tribunal under the head of disability per percentage is ordered to be deleted. The compensation awarded under the other heads by the Tribunal is confirmed.

10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:



Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of earning capacity	15,87,600	24,69,600
2.	Part Disability	3,50,000	Nil
3.	Pain and suffering	56,000	56,000
4.	Transportation	11,500	11,500
5.	Damages to cloth	1,500	1,500
6.	Extra nourishment & Attender charges	22,000	22,000
7.	Loss of Amenities	56,000	56,000
8.	Medical Expenses	6,64,050	6,64,050
9	Future Medical Expenses	2,12,310	2,12,310
	Total	29,60,960	34,92,960

Thus, the compensation awarded by the Tribunal is enhanced from Rs.29,60,960/- to Rs.34,92,960/-, which shall carry interest at the rate of 7.5% per annum.

11. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.



WEB COPY ii. The compensation awarded by the Tribunal is enhanced from Rs.29,60,960/- to Rs.34,92,960/-.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The 2nd respondent, Shriram General Insurance Company Limited, is directed to deposit the enhanced compensation amount, i.e., Rs.34,92,960/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of realization, to the credit of M.C.O.P. No. 144 of 2020 on the file of Motor Accident Claims Tribunal, Special Sub Court (MACT), Krishnagiri, within a period of eight weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.



vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

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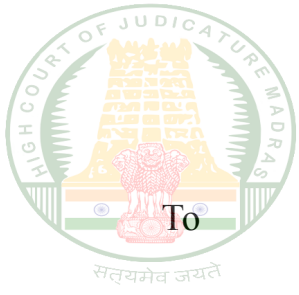
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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1. Shriram General Insurance Company
Limited
No.E-8, RIICO Industrial Area, Sita
Pura, Jaipur, Rajasthan State.
2. The Motor Accident Claims Tribunal,
Special Sub Court (MACT),
Krishnagiri.
3. The Section Officer, VR-Section,
High Court of Madras.



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T.V.THAMILSELVI J.
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